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Kevin DeNuccio, Sarita James, Jay Leupp,  
Merrick D. Okamoto, Said Ouissal, Simeon  
Salzman, and Fred Thiel, and Nominal  
Defendant Marathon Digital Holdings, Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KIMBERLY BERNARD, Derivatively on  
Behalf of MARATHON DIGITAL  
HOLDINGS, INC. (f/k/a MARATHON  
PATENT GROUP, INC.),

Plaintiff,

v.

FRED THIEL, GEORGES ANTOUN,  
KEVIN DENUCCIO, SARITA JAMES, JAY  
LEUPP, SAID OUISSAL, MERRICK D.  
OKAMOTO, and SIMEON SALZMAN,

Defendants,

-and-

MARATHON DIGITAL HOLDINGS, INC.  
(f/k/a MARATHON PATENT GROUP,  
INC.),

Nominal Defendant.

CASE NO.: 2:22-cv-00305-JAD-VCF

**STIPULATION AND [PROPOSED]  
ORDER TO SET BRIEFING SCHEDULE  
ON MOTION TO DISMISS**

**(First Request)**

1 Defendants Fred Thiel, Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Said  
2 Ouissal, Merrick D. Okamoto, Simeon Salzman (collectively, “Defendants”), Nominal Defendant  
3 Marathon Digital Holdings, Inc. (“Marathon”), and Plaintiff Kimberly Bernard (“Plaintiff”), by and  
4 through their respective counsel, and subject to this Court’s approval, agree to a briefing schedule  
5 on Defendants’ and Nominal Defendant’s motion to dismiss. This is the first request to set a briefing  
6 schedule in this action.

- 7 1. On February 18, 2022, Plaintiff filed her Complaint (ECF No. 1);
- 8 2. On March 25, 2022, service was effected by stipulation (ECF No. 6);
- 9 3. On April 4, 2022, Defendants and Nominal Defendant filed a motion to dismiss the  
10 Complaint (ECF No. 13);
- 11 4. The parties have agreed to the following briefing schedule:
  - 12 a. Plaintiff’s response to the motion to dismiss is due on May 31, 2022;
  - 13 b. Defendants’ and Nominal Defendant’s reply is due on June 30, 2022;
- 14 5. This Stipulation is made in good faith, with good cause, and not for purposes of  
15 unduly delaying discovery or trial.

16 ///

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1 Dated this 11th day of April, 2022.

2 PISANELLI BICE PLLC

3 By: /s/ Debra L. Spinelli

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18 Kevin DeNuccio, Sarita James, Jay Leupp,  
19 Merrick D. Okamoto, Said Ouissal, Simeon  
20 Salzman, and Fred Thiel, and Nominal  
21 Defendant Marathon Digital Holdings, Inc.

Dated this 11th day of April, 2022.

MATTHEW L. SHARP, LTD.

By: /s/ Matthew L. Sharp

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Attorneys for Plaintiff Kimberly Bernard

### ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the parties' stipulation above, Plaintiff shall file her response to the motion to dismiss on or before May 31, 2022, and Defendants and Nominal Defendant shall file their reply on or before June 30, 2022.

IT IS SO ORDERED.

  
**RICHARD E. BOULWARE, II**  
**United States District Court**

DATED: April 18, 2022

CASE NO. \_\_\_\_\_